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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,529	04/12/2002	David Anthony Jukes	537-1054	9618
23644	7590	10/06/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			COBURN, CORBETT B	
		ART UNIT	PAPER NUMBER	
		3714		

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/937,529	JUKES ET AL.
	Examiner Corbett B. Coburn	Art Unit 3714

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21,22,24-28 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 21,22,24-28 and 33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 Sep 0 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14/03/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21, 22, 24-28 & 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation "the count" in line 5. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes that this refers to a cyclical count that appears later in the claim, but this is not clear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 22, 24, 25 & 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Seidel et al. (US Patent Number 5,460,384).

Claim 21: Seidel teaches an article holding apparatus with a surface (18) defining a target field having an array of target areas (20) at positions on the target field and a position encoder (16) having a number (one) of sensors (48). The target field and the sensor are adapted for relative movement to one another so that articles introduced onto the target field can be detected by a sensor. (Col 2, 25-66) The position encoder (46) in combination with the processor (44) maintains a cyclical count and is arranged to

determine whether or not an article detected by a sensor is within a target area on the target field with reference to a count value held by a counter (i.e., the number of points awarded depends on which target is hit, which depends on its location). The position encoder (46) cannot carry out these functions alone because it has no processor. The processor (44) must maintain the count, and determine when a sensor has been activated in order for the system to work. The processor is arranged to apply a correction factor when determining the position of an article on the target field to compensate for any variation in the speed of the relative movement between the target field and each sensor over time. The device reads the position of the wheel (18) each time the position is determined. This is essentially applying a correction factor to compensate for any variation in the speed of the relative movement between the target field and the sensor over time.

Claim 22: Seidel teaches that the position encoder includes a processor (44) that maintains the count and inherently has an associated memory. This memory contains the information for mapping count values to target field position for use in determining whether or not an article detected by a sensor falls within one of the target areas on the target field. The program must match the wheel position determined by the wheel position sensor (46) with the slot value. This data must inherently be stored in a look-up table for mapping count values to target field position or an equivalent.

Claim 24: The sensor is associated with at least one dedicated look-up table that defines the circumferential limits of each target area capable of passing within the detection field of the sensor with respect to count value. The size of the target (20) determines the point

value awarded for passing through the sensor. These values are stored in a look-up table or equivalent.

Claim 25: The position encoder counter is reset periodically in dependence on the relative positions of the target field the sensor. The wheel position sensor (46) maintains a count based on the position of the wheel (which is detected by reading a code off of the wheel). This number changes when the wheel moves. (Col 4, 38-47)

Claim 27-31: The relative movement between the surface and the sensor is achieved by a combination of a movable playfield with one or more static sensors. Sensor (16) is static & playfield (18) moves. A movable playfield with one or more movable sensors; a combination of a static playfield with one or more movable sensors; and a rotatable playfield with at least two equally spaced radially spaced sensors are disclosed as equivalent embodiments.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidel as applied to claims 21 in view of Slawinski et al. (US Patent Number 5,083,113).

Claim 26: Seidel teaches the invention substantially as claimed, but does not teach that the sensor is an inductive field-type sensor. Inductive field-type sensors are well known to the art. Slawinski teaches that inductive field-type sensors allow the sensor not only to

detect the passage of an object, but also to identify the type of object. (Abstract) This is particularly advantageous in a coin game because it allows the machine to determine if a valid coin has been paid. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Seidel in view of Slawinski to include an inductive field-type sensor in order to not only to detect the passage of an object, but also to identify the type of object, thus allowing the machine to determine if a valid coin has been paid.

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidel as applied to claim 21.

Claim 33: Seidel teaches the invention substantially as claimed, but fails to teach a horizontal playfield. The particular orientation of the playfield used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific horizontal orientation claimed versus the vertical orientation taught by the prior art.

Response to Arguments

8. Applicant's arguments filed 19 July 2005 have been fully considered but they are not persuasive. The arguments are drawn to the claims as amended and addressed in the rejection above.

9. As pointed out above, Seidel teaches a combination of position encoder (46) with processor (44). Neither could work without the other. Processor (44) keeps a cyclical count of the position of the wheel by processing every number read by the wheel position sensor (46).

Since it reads the wheel each time the target is struck, it automatically applies a correction factor – it applies the actual position as read by the wheel position sensor (46).

10. Applicant's arguments concerning the benefits of Applicant's invention are not commensurate with the scope of the claims.

Conclusion

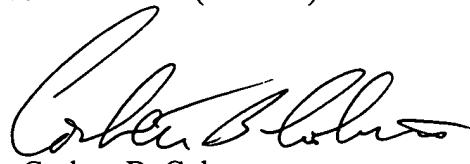
11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn
Examiner
Art Unit 3714